

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL B. CANALE, M.D.,

Plaintiff,

vs.

SAHARA OUTPATIENT SURGERY
CENTER, LTD., a Nevada limited partnership,
et al.,

Defendants.

Case No.: 2:18-cv-01020-GMN-VCF

ORDER

On April 17, 2018, Plaintiff filed a Complaint against Defendants Sahara Outpatient Surgery Center, Ltd, Surgicare of Las Vegas, Inc., and Lance Hickman (collectively “Defendants”), alleging the following causes of action: (1) breach of contract; (2) breach of the implied covenant of good faith and fair dealing; (3) declaratory relief; (4) accounting; (5) conversion; (6) breach of fiduciary duties; (7) securities fraud; and (8) punitive damages. (Comp. ¶¶ 38–92, ECF No. 1). Defendants thereafter moved to dismiss Plaintiff’s Complaint, which the Court granted in part and denied in part on March 30, 2019. (*See* Order, ECF No. 35). Specifically, the Court dismissed without prejudice Plaintiff’s claim for securities fraud pursuant to 15 U.S.C. §78j(b), which was Plaintiff’s only claim under federal law and the sole basis for the Court’s jurisdiction after the case had been removed from the Eighth Judicial District Court of Clark County, Nevada. (*Id.* 10:5–18); (Pet. Removal 2:10–23, ECF No. 1). The Court provided Plaintiff twenty-one days from that March 30, 2019 Order to amend the federal securities fraud claim, or else the Court would dismiss the claim with prejudice and remand the remaining state law claims to the Eighth Judicial District Court of Clark County, Nevada. (*Id.* 10:16–12:8).

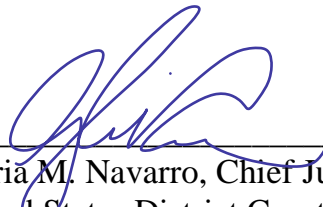
1 More than twenty-one days have now passed since the Court's March 30, 2019 Order,
2 and Plaintiff did not amend the federal securities fraud claim. Accordingly, for the reasons
3 stated in the Court's Order, (ECF No. 35):

4 **IT IS HEREBY ORDERED** that Plaintiff's seventh claim for securities fraud pursuant
5 to the Securities and Exchange Act of 1934, 15 U.S.C. § 78j(b), is **DISMISSED with**
6 **prejudice.**

7 **IT IS FURTHER ORDERED** that Plaintiff's remaining state-law claims in this matter
8 are remanded to the Eighth Judicial District Court of Clark County, Nevada.

9 The Clerk of Court shall close the case.

10 **DATED** this 29 day of April, 2019.

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15 Gloria M. Navarro, Chief Judge
16 United States District Court
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